

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gregory Joss	Team: Team # 3	CCRB Case #: 201108190	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/23/2011 7:00 PM	Location of Incident: Blake Avenue between Bristol Street and Chester Street	Precinct: 73	18 Mo. SOL 12/23/2012	EO SOL 12/23/2012	
Date/Time CV Reported Thu, 06/23/2011 10:09 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 06/23/2011 10:09 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Dikensy Moussignac	05819	949372	PBBN
2. POM Daniel Mcdonald	04473	949299	PBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Gibson	03516	949024	PBBN
2. POM Daniel Morrow	08983	949369	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.POM Dikensy Moussignac	Abuse: Officer Dikensy Moussignac questioned § 87(2)(b)	
B.POM Dikensy Moussignac	Abuse: Officer Dikensy Moussignac frisked § 87(2)(b)	
C.POM Dikensy Moussignac	Abuse: Officer Dikensy Moussignac searched § 87(2)(b)	
D.POM Daniel Mcdonald	Abuse: Officer Daniel Mcdonald threatened to arrest § 87(2)(b)	

### Case Summary

On June 23, 2011, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board via the call processing system (Encl. 5A-5B).

On June 23, 2011 at approximately 7:00pm in the vicinity of Blake Avenue, between Bristol Street and Chester Street in Brooklyn, § 87(2)(b) was stopped by Officer Dikensy Moussignac of Patrol Borough Brooklyn North. No arrest or summons was issued as a result of this incident. The following allegations resulted from the officers' actions:

• **Allegation A: Abuse of Authority – Officer Dikensy Moussignac questioned** § 87(2)(b)

§ 87(2)(g)

• **Allegation B: Abuse of Authority – Officer Dikensy Moussignac frisked** § 87(2)(b)

• **Allegation C: Abuse of Authority – Officer Dikensy Moussignac searched** § 87(2)(b)

§ 87(2)(g)

• **Allegation D: Abuse of Authority – Officer Daniel McDonald threatened to arrest** § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) also filed a Notice of Claim against the City on § 87(2)(b).

### Results of Investigation

#### Civilian Statements

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black male with black hair and brown eyes. He is 5'8" tall and weighs 120 pounds.

#### Video Footage

On March 16, 2012, § 87(2)(b) provided the CCRB with video footage that his friend, § 87(2)(b) took on his cellular telephone during the incident (Encl. 6A-6B). The video is 23 seconds long and captures part of the incident. The contents of the video footage are summarized below.

§ 87(2)(b) is standing between PO Dikensy Moussignac and PO Daniel McDonald. Both officers were assigned to Patrol Borough Brooklyn North and identified by the CCRB through investigation. § 87(2)(b) can be heard saying, "It doesn't. It doesn't make no sense at all." § 87(2)(b) also says something to the effect of, "This is wrong. This is illegal search and seizure." § 87(2)(b) is visibly arguing with PO Moussignac who can be seen placing an object into § 87(2)(b)'s left pants pocket. PO McDonald remained behind § 87(2)(b) and did not make any physical contact with him. A third unidentified officer can be seen on the right side of the screen for a brief second, but he is not engaging with § 87(2)(b) or any other civilians. An unidentified female voice can be heard in the background. PO Moussignac can be seen writing in his memo book.

### **Notice of Claim**

On § 87(2)(b), § 87(2)(b) filed a Notice of Claim with the City of New York.

§ 87(2)(g)

§ 87(2)(b) is claiming personal, physical and psychological injuries, conscious pain and humiliation and psychological/psychiatric injuries and damages, as well as violations of his Federal and State Constitutional and Civil Rights (Encl. 26A-26I).

### **CCRB Statement**

On July 14, 2011, § 87(2)(b) was interviewed at the CCRB (Encl. 8A-8H). § 87(2)(g)

§ 87(2)(g)

On June 23, 2011 at approximately 7:00 p.m. in the vicinity of Blake Avenue, between Bristol Street and Chester Street in Brooklyn, § 87(2)(b) was walking to the store with his friend, § 87(2)(b) § 87(2)(b) and § 87(2)(b) had come from § 87(2)(b)'s house. They were not carrying anything and did not exchange anything as they walked. They were going from store to store in the neighborhood looking for banana pudding. § 87(2)(b) and § 87(2)(b) did not interact with anyone as they went from store to store.

§ 87(2)(b) was wearing a blue t-shirt, a pair of basketball shorts, and his boots. § 87(2)(b) had his wallet and some cigarette butts folded in a paper towel in his left pants pocket.

As § 87(2)(b) and § 87(2)(b) crossed the street toward a store, a uniformed officer approached § 87(2)(b) and asked, "What is in your pocket?" The officer, identified by the CCRB through investigation as PO Dikensy Moussignac of Patrol Borough Brooklyn North, was described as a black male, approximately 5'8" tall, chubby/stocky, and approximately 36 years old.

PO Moussignac grabbed the outside of § 87(2)(b)'s left pants pocket with his right hand and § 87(2)(b) grabbed the top of the pocket with his left hand, preventing PO Moussignac from entering the pocket. PO Moussignac then grabbed § 87(2)(b)'s penis and crotch area, outside of his clothing, with his left hand and held him. § 87(2)(b) asked PO Moussignac why he was being searched and why he was grabbing him in such a manner. PO Moussignac kept repeating, "Don't go in your pocket."

§ 87(2)(b) who was not stopped or searched, asked PO Moussignac, "Why are you doing this?" § 87(2)(b) further stated, "This is illegal." An unidentified female approached the location and asked § 87(2)(b) if he had anything on him. § 87(2)(b) stated he did not have anything on his person. The unidentified female instructed § 87(2)(b) to allow PO Moussignac to conduct the search. § 87(2)(b) continued to object because he felt as though he was being illegally searched.

Six additional male uniformed officers approached from the direction of Bristol Street. An officer, PO2, grabbed § 87(2)(b)'s left arm so that he could no longer protect his pocket. PO2, identified by the CCRB through investigation as PO Daniel McDonald of Patrol Borough Brooklyn North, was described as a white male, approximately 5'9" tall. § 87(2)(b) asked PO McDonald why he was touching him and PO McDonald informed § 87(2)(b) that he was under arrest. PO McDonald placed § 87(2)(b)'s left arm against the fence on the sidewalk. § 87(2)(b) did not resist and was never handcuffed at any point.

PO Moussignac then went into § 87(2)(b)'s left pocket and removed his wallet. PO Moussignac was the only officer that searched § 87(2)(b) and he only went into his left pocket. The other five unidentified uniformed officers at the location simply stood and observed the stop. § 87(2)(b) continued to protest the officers' actions, but never got physical with any of the

officers. No officers interacted with § 87(2)(b) PO Moussignac removed § 87(2)(b)'s identification, wrote down his name and address, and then let him leave the location. The entire incident lasted approximately 15 to 20 minutes.

### **50-h Hearing Testimony**

On § 87(2)(b), § 87(2)(b) provided sworn testimony in the Matter of the Claim of § 87(2)(b) against the City of New York and the New York City Police Department (Encl. 9A-9AU).

§ 87(2)(g)

**Witness:** § 87(2)(b)

- *Pedigree unknown*

### **Telephone Statement**

On July 25, 2011, contact was established with § 87(2)(b) via telephone (Encl. 10A). § 87(2)(b) is a friend of § 87(2)(b)'s. His statement is summarized below.

On June 23, 2011 at approximately 7:00 p.m., § 87(2)(b) walked by § 87(2)(b)'s house and asked him to accompany him to the store to buy some pudding for § 87(2)(b)'s mother. § 87(2)(b) and § 87(2)(b) proceeded to walk to a store. They walked side by side and did not shake hands, exchange anything, or interact with anyone.

In the vicinity of Blake Avenue, between Bristol Street and Chester Street in Brooklyn, a uniformed officer, PO1, approached § 87(2)(b) on foot, grabbed his right pocket, and said, "What do you have in your pocket?" PO1, identified by the CCRB through investigation as PO Dikensy Moussignac of Patrol Borough Brooklyn North, was described as a black male, approximately 5'3" to 5'5" tall, average build, with short black hair, and 35 to 40 years old.

§ 87(2)(b) asked PO Moussignac, "What are you doing?" PO Moussignac stated that he wanted to see what was in § 87(2)(b)'s pocket. § 87(2)(b) did not resist and held his hands in the air.

Four to five additional uniformed male officers arrived at the location. PO2 attempted to calm § 87(2)(b) down because he was screaming and felt that the situation constituted illegal search and seizure. § 87(2)(b) screamed loudly, "This is wrong." PO2, identified by the CCRB as PO Daniel McDonald of Patrol Borough Manhattan North, was described as a white male, approximately 6'0" tall, average build, with short brown hair, and in his 30's. PO McDonald said something to the effect of, "Everyone should know what is going on here."

§ 87(2)(b) indicated that the other officers at the location looked around on the ground as though they were checking to see if § 87(2)(b) and § 87(2)(b) dropped anything. PO Moussignac and an unidentified officer, PO3, then went into § 87(2)(b)'s pockets, but only recovered tissues and his identification. PO3 was described as a white male, approximately 5'10" tall, with brown hair, and 25 to 26 years old. After PO Moussignac removed § 87(2)(b)'s identification from his pocket, § 87(2)(b) was free to go.

On August 4, 2011, § 87(2)(b) was scheduled to appear at the CCRB to provide a sworn statement. However, § 87(2)(b) failed to appear for his appointment and did not contact the CCRB to cancel or reschedule. On August 4, 2011, a missed appointment letter was mailed to § 87(2)(b)'s residence and was not returned to the CCRB by the United States Postal Service. Between August 4, 2011 and August 31, 2011, the undersigned investigator called § 87(2)(b) six times and left a message with his mother on three occasions requesting that § 87(2)(b) contact the CCRB. On August 31, 2011, a final please call letter was mailed to § 87(2)(b)'s residence and was not returned to the CCRB by the USPS.

## **NYPD Statements:**

### **Subject Officer: OFFICER DIKENSY MOUSSIGNAC**

- *PO Moussignac is a § 87(2)(b)-old black male with black hair and brown eyes. He is 5'4" tall and weighs 170 pounds.*
- *On June 23, 2011, PO Moussignac worked from 1:00 p.m. to 9:35 p.m. He was dressed in uniform and assigned to Impact foot-post 33 in the 73<sup>rd</sup> Precinct. He was working alone and was not assigned to a motor vehicle.*

### **Memo Book**

At 7:15 p.m., UF 250, male black, DOB: 03/23/84. § 87(2)(b) § 87(2)(b)  
§ 87(2)(b) Height 5'7." Stop @ corner of Blake between Chester/Bristol.  
Suspicion of CPW. Suspicious bulge in front left pocket of jeans. Upon questioning subject regarding the bulge, he was reaching for his pocket and held on to it firmly. Finally subject complied. No CPW or other contraband was found. Positive ID. No summons was issued (Encl. 11A-11C).

### **Handwritten Stop, Question and Frisk Report**

The handwritten Stop, Question and Frisk Report completed by PO Moussignac for § 87(2)(b) on June 23, 2011 indicates that § 87(2)(b) was stopped at Chester Street and Blake Avenue under the suspicion of criminal possession of a weapon. The period of observation prior to the stop is listed as 2 minutes and the duration of the stop is listed as 3 minutes. Circumstances which led to the stop were listed as a suspicious bulge or object. Additional factors were listed as time of day, day of week, season corresponding to reports of criminal activity, proximity to crime location. The report indicates that § 87(2)(b) was frisked because he refused to comply with directions that led to reasonable fear for safety and a suspicious bulge. The report also indicates that § 87(2)(b) was not searched. No weapons or contraband was found (Encl. 12A).

### **CCRB Statement**

On October 7, 2011, PO Moussignac was interviewed at the CCRB (Encl. 14A-14C). His testimony is summarized below.

On June 23, 2011 at approximately 7:15 p.m., § 87(2)(b) was walking eastbound from Chester Street toward Bristol Street and Blake Avenue with 3 or 4 other individuals when PO Moussignac observed a bulge in § 87(2)(b)'s front left pants pocket. PO Moussignac observed § 87(2)(b) for 1 to 2 minutes and was approximately 5 to 10 feet away and walking towards § 87(2)(b). PO Moussignac had a clear line of sight to § 87(2)(b)'s left pants pocket. PO Moussignac could only recall that § 87(2)(b) was wearing jeans and that his hands were not in his pockets. PO Moussignac does not recall if § 87(2)(b) was carrying anything, but noted that his left hand was free.

PO Moussignac described the bulge as something "big" in the front pocket, that could be a .22 caliber. It was a little bit square, but he could not see all four sides of it. PO Moussignac could not approximate the dimensions of the object. When differentiating between a weapon and an innocuous object by viewing, PO Moussignac looks for an object with 2 or 3 sides, with a bottom and two tops, from the left to the right. Many people in this neighborhood carry small caliber firearms and make efforts to conceal the shapes by making the firearms look square.

PO Moussignac stopped § 87(2)(b) and questioned him about the bulge by saying, "What is in your front pocket? What is that bulge right there?" § 87(2)(b) reached for the bulge. PO Moussignac stopped him by putting his hand on top of § 87(2)(b)'s hand and said,

“Don’t reach for it, let me get it.” § 87(2)(b) became “hostile” and held onto the outside of his pants pocket. Because his hand was on top of § 87(2)(b)’s hand, he was not able to feel the object in his pocket. PO Moussignac does not remember § 87(2)(b)’s precise wording, but he was not complying with the lawful order he was given, namely, “Don’t go in your pocket.”

PO Moussignac feared for his safety at this point because he did not want § 87(2)(b) to pull whatever he had out of his pocket. PO Moussignac had a similar incident in the past, where he stopped someone who reached for a bulge in their pocket and it turned out to be a firearm.

§ 87(2)(b)’s friend, § 87(2)(b) began saying to him, “Let him see what it is. You don’t have anything on you, you’re good, you’re good.” § 87(2)(b) still refused to comply.

PO Moussignac had his hand on top of § 87(2)(b)’s hand for approximately one minute, and repeated, “Let me see what it is, let me see what it is.” At this point a few other Impact officers approached the location and upon seeing the officers, § 87(2)(b) complied. PO Moussignac did not call for these officers. They just happened to be walking by. PO Moussignac went into § 87(2)(b)’s pocket and retrieved a wallet and some napkins wrapped around some cigarette butts and other stuff. PO Moussignac did not search any other of § 87(2)(b)’s pockets. PO Moussignac then got § 87(2)(b)’s ID and recorded his information.

The other officers at the location did not make any physical contact with § 87(2)(b) and at no time did anyone say to § 87(2)(b) that he was under arrest.

PO Moussignac stated that he can search a pocket when his level of suspicion rises. In this instance, § 87(2)(b)’s actions, namely grabbing the bulge in his pocket, caused PO Moussignac to believe that he was hiding something illegal.

PO Moussignac was shown the UF 250 report he prepared for this incident and confirmed that he had completed it. PO Moussignac indicated that additional factors leading to the stop included: Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity and Proximity to Crime Location. PO Moussignac explained that there had been several shootings and robberies in that area recently and that is why they [the police] were stationed in an Impact Zone. There had also been a recent shooting on Chester Street and therefore the Impact officers were specifically flooded to that zone. PO Moussignac indicated that the force he used to overcome resistance was the act of putting his hand on top of § 87(2)(b)’s to prevent him from reaching into his pocket.

**Subject Officer: OFFICER DANIEL MCDONALD**

- *PO McDonald is a § 87(2)(b)-old white male with black hair and green eyes. He is 6’2” tall and weighs 155 pounds.*
- *On June 23, 2011, PO McDonald worked from 1:00 p.m. to 9:35 p.m. He was dressed in uniform and assigned to Impact foot-post 35 in the 73<sup>rd</sup> Precinct. PO McDonald was not assigned to a partner or a motor vehicle during his tour.*

**Memo Book**

At 7:15 p.m., overheard argument outside on Blake Avenue, between Chester and Bristol Streets. Responded, backing post 33 for two males stopped. UF 250 prepared by post 33. At 7:20 p.m., 10-98, back on meal (Encl. 15A-15C).

**CCRB Statement**

On April 6, 2012, PO McDonald was interviewed at the CCRB (Encl. 16A-16C). His testimony is summarized below.

On June 23, 2011 at 6:30 p.m., PO McDonald was on meal alone inside a deli on the corner of Blake Avenue and Chester Street in Brooklyn. PO McDonald overheard an argument from outside. PO McDonald did not hear specifics of the argument, he only heard yelling. An

unidentified woman came into the deli and informed PO McDonald that a police officer, identified by the CCRB as PO Dickensy Moussignac of Patrol Borough Brooklyn North, had two males stopped.

PO McDonald arrived at the location and observed the two males, identified by the CCRB as § 87(2)(b) and § 87(2)(b) yelling at PO Moussignac about the stop. There was also an unidentified civilian female at the location observing the stop. No other officers were at the location. PO McDonald was shown a photograph of § 87(2)(b) but he did not recognize him as the individual that he interacted with.

PO McDonald pulled § 87(2)(b) aside so that PO Moussignac could conclude the stop of § 87(2)(b). PO McDonald tried to calm § 87(2)(b) down. PO McDonald told § 87(2)(b) that technically the officer can stop you if he has reason to and to just let the officer finish his stop. He informed § 87(2)(b) that if he continued to be irate and out of control, he could end up getting locked up. PO McDonald told § 87(2)(b) that if there was nothing wrong, then both he and § 87(2)(b) would be free to leave.

PO McDonald witnessed PO Moussignac conduct a frisk of § 87(2)(b) but did not observe a search. PO McDonald stated that PO Moussignac frisked a bulge in § 87(2)(b)'s pocket, filled out a UF 250, and then let § 87(2)(b) go. PO McDonald did not witness PO Moussignac and § 87(2)(b) struggle at all during the frisk. § 87(2)(b) was described as "annoyed," but allowed PO Moussignac to frisk him. PO McDonald was asked to describe the bulge, but stated that he did not actually see the bulge and that PO Moussignac told him about it at a later time. PO Moussignac did not communicate any further information to PO McDonald regarding the stop of § 87(2)(b).

PO McDonald did not make any physical contact with § 87(2)(b) and did not assist PO Moussignac in the frisk of § 87(2)(b). PO McDonald did not at any point tell § 87(2)(b) that he was under arrest. PO McDonald stated that § 87(2)(b) was not doing anything for which he could have been arrested. PO McDonald further indicated that he did not personally speak with § 87(2)(b).

PO McDonald viewed the video footage of this incident. PO McDonald confirmed that he was the officer standing behind § 87(2)(b) in the video. PO McDonald acknowledged from the video footage that there was another officer at the location in addition to himself and PO Moussignac, but he could not identify the officer from the video footage. PO McDonald acknowledged, from viewing the video, that PO Moussignac went into § 87(2)(b)'s pocket, but reiterated that he did not see it at the time of the incident.

After viewing the video footage, PO McDonald did not wish to add anything to the record or change his testimony. This incident concluded when PO Moussignac completed a UF 250 for § 87(2)(b) and then § 87(2)(b) and § 87(2)(b) left the location.

PO McDonald stated that this particular area is known for robberies and disorderly groups. PO McDonald had no prior knowledge of § 87(2)(b) or § 87(2)(b).

**Witness Officers: OFFICERS DANIEL GIBSON AND DANIEL MORROW**

- *PO Gibson is a § 87(2)(b)-old white male with brown hair and green eyes. He is 6'4" tall and weighs 180 pounds.*
- *PO Morrow is a § 87(2)(b)-old white male with brown hair and blue eyes. He is 5'10" tall and weighs 210 pounds.*
- *On June 23, 2011, PO Gibson and PO Morrow worked from 1:00 p.m. to 9:35 p.m. They were dressed in uniform and were not assigned with a partner or to a motor vehicle at any point during their tour. PO Gibson was assigned to Impact foot-post 38 and PO Morrow was assigned to Impact foot-post 37 in the 73<sup>rd</sup> Precinct.*

### **Memo Books**

PO Gibson and PO Morrow did not have any memo book entries for this incident (Encl. 17A-17C & 19A-19B).

### **CCRB Statements**

On February 10, 2012, PO Gibson and PO Morrow were interviewed at the CCRB (Encl. 18A-18B & 20A-20B).

PO Gibson and PO Morrow did not have any knowledge or recollection of this incident.

### **NYPD Documents**

#### **Impact Assignment Sheet**

On January 26, 2012, the CCRB received a faxed copy of the 73<sup>rd</sup> Precinct's Impact foot-post assignments from Lt. Mary Boykin (Encl. 22A-22C). The CCRB cross referenced foot-post locations with the incident location and identified officers assigned in the area. PO Gibson and PO Morrow were interviewed as potential witness officers. The CCRB also identified PO McDonald as possibly being at the incident location. PO McDonald's memo book was obtained and it confirmed that he was present at the location on the date of incident.

#### **Stop, Question, and Frisk Report Index**

The Stop, Question, and Frisk Report Index from the 73<sup>rd</sup> Precinct on June 23, 2011 confirms that § 87(2)(b) was stopped by PO Moussignac for suspicion of criminal possession of a weapon (Encl. 23A-23E).

### **Status of Civil Proceedings**

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming personal, physical and psychological injuries, conscious pain and humiliation and psychological/psychiatric injuries and damages, as well as violations of the claimants' Federal and State Constitutional and Civil Rights and seeking an unspecified amount for compensatory and punitive damages, including attorney fees, as redress (Encl. 26A-26I).

### **Civilian Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **Civilian CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 3A).

### **Subject Officers CCRB History**

- Officer Dieknsy Moussignac has been a member of the service for one year and there are no substantiated CCRB allegations against him (Encl. 2A).
- Officer Daniel McDonald has been a member of the service for one year and there are no substantiated CCRB allegations against him (Encl. 2B).

### **Conclusion**



- PO Moussignac acknowledged interacting with § 87(2)(b)
- PO McDonald acknowledged being at the incident location and identified himself on the video footage provided by § 87(2)(b). § 87(2)(b) also identified him from the video footage. § 87(2)(g)

**Allegation A: Abuse of Authority – Officer Dikensy Moussignac questioned** § 87(2)(b)

In order to ask a person accusatory questions, an officer must have at least a founded suspicion that criminal activity is afoot. People v. Hollman, 79 N.Y.2d 181 (1992) (Encl. 1A-1K). § 87(2)(g)

[illegible]

**Allegation B: Abuse of Authority – Officer Dikensy Moussignac frisked § 87(2)(b)**

**Allegation C: Abuse of Authority – Officer Dikensy Moussignac searched § 87(2)(b)**

In the absence of reasonable suspicion, the act of a police officer reaching out to touch a bulge in a person's pocket is not permissible as a self-protective minimal intrusion within the scope of a common law inquiry. People v. Gerard, N.Y. App. Div. (2012) (Encl. 1L-1M). Furthermore, according to Patrol Guide Procedure 212-11, an officer may only conduct a search of a person if the frisk of said person reveals an object which may be a weapon (Encl. 1N-1P).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation D: Abuse of Authority – Officer Daniel McDonald threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged that upon arrival at the incident location, PO McDonald grabbed his arm and stated that he was under arrest. PO McDonald denied doing as much and PO Moussignac denied that PO McDonald did so. § 87(2)(b)'s telephone statement regarding this incident did not lend support to § 87(2)(b)'s allegation, nor did the video footage.

PO McDonald acknowledges making a threat of arrest, but he attributes the comment to § 87(2)(b) which § 87(2)(b) does not corroborate, nor does the video.

§ 87(2)(g)

§ 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date